

USSN 09/896,689
Attorney Docket No. 2001-0093-01

Remarks

There is a discrepancy in the listing of the claims allowed and rejected on the cover sheet of the Office Action and within the Office Action body. Claims 26-28, 30, and 35 are listed as allowed on the cover sheet of the Office Action and claims 40 and 41 are listed there and in the body of the Office Action as objected to for reason of depending from a rejected claim.

In the body of the Office Action claims 6, 18, 22-24, 26-28, 30, 31, 33, 35, 37 and 38-41 are listed as allowed, though claims 6 and 18 were objected to as depending from rejected claims. There are in fact in the body of the Office Action no rejections of claims 22-24, 31, 33, 37 and 38-41, and therefore, also, claims 40-41 are not dependent on a rejected claim, since claim 39 was allowed.

Claims 1-3, 5, 7, 10, 12-15, 17, 29, 32 and 36 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over the combination of Underwood, cited in the First office Action and the newly cited United States Published Patent Application 2002/0016640, published on February 7, 2002, entitled MULTI-VARIABLE MATRIX PROCESS CONTROL, based on an application Ser. No. 09/878,711, filed on June 11, 2001, and claiming priority to a provisional application ser. No. 60/215,453, filed on June 23, 2000 ("Gagne").

Claim 1 has been amended to incorporate aspects of allowed claim 22, which should also define claim 1 as amended over the cited art.

Claims 2-3, 5, 7, 10, 12-15 and 17 depend from claim 1 and should be allowed along with claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). In addition, with respect to claim 17, applicant asserts that the claimed "model is a model of minimal order" is not disclosed in Underwood's description of an "attempt to minimize an objective function."

Claims 29, 32 and 36 have been amended as discussed below and should now be allowable.

Claims 4, 19-21, 25, 34, and 42-44 have been rejected as unpatentable as being obvious in light of the combination of Underwood and Gagne and further in view of IDS Reference C1 ("Jacques").

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Claims 4 and 19-21 depend directly or indirectly from claim 1 and should now be allowable along with claim 1. In addition, the Examiner has not sufficiently shown a reason for or suggestion to combine Jacques with the other references, nor an expectation of success, from the record as required by *In re Lee*, 277 F.3d 1338, 1345, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002) (“‘deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is “basic knowledge” or “common sense.”’ The Board's findings must extend to all material facts and must be documented on the record, lest the “haze of so-called expertise” acquire insulation from accountability.”) or *In re Thrift*, 298 F.3d 1357, 1362, 63 U.S.P.Q.2d 2002 (Fed. Cir. 2002) (finding of obviousness as to one claim was proper where references themselves suggested combination but that simple assertion that “[t]he use of grammar is old and well known in the art of speech recognition as a means of optimization which is highly desirable,” did not make out a case of *prima facie* obviousness).

Claims 25, 34 and 42 have been amended as discussed below and should now be allowable. Claims 43-44 depend from an allowable claim 42 and should therefore be allowable. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claims 8 and 9 have been rejected as unpatentable as being obvious under 35 U.S.C. §103 (a) over the combination of Underwood, Gagne and further in view of United States Patent No. 5,968,187, issued to Robinson on October 19, 1999, entitled COMPUTER SYSTEM AND METHOD ... (“Robinson”).

Claims 8 and 9 depend directly or indirectly from claim 1 and should be allowable along with claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claim 11 has been rejected as unpatentable as being obvious under 35 U.S.C. §103 (a) over the combination of Underwood, Gagne and further in view of United States Patent No. 5,930,476, issued to Yamunachari et al. on July 7, 1999, entitled METHOD AND APPARATUS FOR GENERATING AUTOMATIC CUSTOMIZED EVENT REQUESTS (“Yamunachari”).

Claim 11 depends indirectly from claim 1 and should be allowable for that reason. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claim 16 has been rejected as unpatentable as being obvious under 35 U.S.C. §103 (a) over the combination of Underwood, Gagne and further in view of United States

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Patent No. 5,523,953, issued to Araie et al. on June 4, 1994, entitled METHOD AND APPARATUS FOR CORRECTING ERRORS ON A MACHINE TOOL ("Araie").

Claim 16 depends from claim 1 and should be allowed along with claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claim 45 is the allowed claim 6 rewritten to overcome the objection of the Examiner that claims 6 was allowable but objected to as depending from a rejected claim 1, and for no other reason. The amendment is not intended to be nor has it the effect of being any more narrowing than the claim 6 as originally filed, which already contained all of the elements of claim 1 and as such was allowed by the Examiner as so filed, with the amendments already submitted to conform the recitations of claim 6 to the disclosure of the Specification.

Claim 1 has been amended to incorporate aspects of allowed claim 22, which should also define claim 1 as amended over the cited art.

Claim 18 is the allowed claim 18 which was only objected to for depending upon a rejected claim 1, rewritten to contain the recitations of claim 1 to overcome the objection, and for no other reason. The amendment is not intended to be nor has it the effect of being any more narrowing than the claim 18 as originally filed, which already contained all of the elements of claim 1 and as such was allowed by the Examiner as so filed.

Claim 25 has been amended to recite aspects of allowed claim 22 and should also be allowable.

Claims 22, 30, 31 and 42 have been amended to remove the language "of the type" to which the Examiner has objected, and not for any other purpose, including defining over any prior art and such amendments are not intended to nor do they have the effect of narrowing the claims in any regard.

Claim 29 has been amended to recite aspects of allowed claim 22 and should also be allowable.

Claim 32 has been amended to recite aspects of allowed claim 22 and should also be allowable.

Claim 34 has been amended to recite aspects of allowable claim 22, and should be allowed.

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Claim 36 has been amended to include aspects of allowed claim 22 and should also be allowable.

Claim 42 has been amended to include aspects of allowed claim 22 and should also be allowed.

Claim 46 also combines aspects of allowed claim 22 with claim 1 and should also define claim 46 over the cited art.

Claim 47 combines claim 25 with aspects of allowed claim 22 and should be allowable.

Claim 48 combines aspects of allowed claim 22 with claim 29, and should be allowable.

Claim 49 combines aspects of allowed claim 22 with claim 32, and should be allowable.

Claim 50 combines aspects of allowed claim 22 with claim 34 and should be allowed.

Claim 51 combines aspects of allowed claim 22 with claim 36 and should be allowable.

Claim 52 combines aspects of allowed claim 22 and claim 42 and should be allowed.

Claim 53 combines the features of claim 6 and claim 25 and should be allowable.

Claim 54 combines the features of claim 6 and claim 29 and should be allowable.

Claim 55 combines the features of claim 6 and claim 32 and should be allowable.

Claim 56 combines the features of claim 6 and claim 34 and should be allowable.

Claim 57 combines the features of claim 6 and claim 36 and should be allowable.

Claim 58 combines the features of claim 6 and claim 42 and should be allowable.

Claims 59-64 are, respectively, dependent claims 4, 12, 13, 19, 20 and 21 dependant directly or indirectly from new claim 45 and should be allowed as dependent from an allowable claim, and also, as applicable, for the reasons stated above regarding the originally filed claims.

For the above stated reasons the Examiner is respectfully requested to allow claims 1-64.

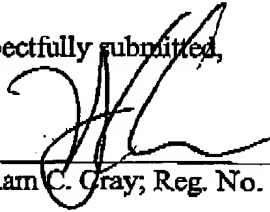
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Conclusions

Claims 1-64 should now be allowable. The Examiner is respectfully requested to allow claims 1-64. The Commissioner is hereby authorized to charge in the total amount of \$1,674.00 to applicant's assignee's Deposit Account No. 03-4060, \$110.00 for the one-month extension of time, and \$1,564.00 for the additional claims fee. Applicant does not believe that any additional charges or fees are due regarding this application however, if any fees are due the Commissioner is authorized to charge the appropriate amount.

Respectfully submitted,


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September 15, 2004
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